

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
NO. 04 CV 11522 (JLT)

STEVEN R. KINCAID,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,

Defendant.

**RULE 26(a)(1)
INITIAL DISCLOSURES**

Bank of America Corporation (hereafter "Defendant") makes the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Local Rule 26.2(A):

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying subjects of the information;

RESPONSE:

1. **Sheila K. Burroughs
Market Information Manager
IJL Building
201 North Tryon Street
Charlotte, North Carolina 28255
(May only be contacted through Defendant's counsel)**

Ms. Burroughs may have knowledge of Plaintiff's assignments and performance while Plaintiff was employed by Defendant. Additionally, Ms. Burroughs may have knowledge of the allegations in Plaintiff's Complaint.

2. **Susan Haloulos
Market Information Manager
Greenville Plaza**

**7 North Laurens Street
Greenville, South Carolina 29601
(May only be contacted through Defendant's counsel)**

Ms. Haloulos is a co-employee from Plaintiff's former work group and may have knowledge of Plaintiff's performance and ability to work on a team.

- 3. Allison Hart
Marketing Product Manager
IJL Building
201 North Tryon Street
Charlotte, North Carolina 28255
(May only be contacted through Defendant's counsel)**

Ms. Hart is a co-employee from Plaintiff's former work group and may have knowledge of Plaintiff's performance and ability to work on a team.

- 4. LeRoy Leiker
Market Information Manager
Bank of America Corporate Center
100 North Tryon Street
Charlotte, North Carolina 28255
(May only be contacted through Defendant's counsel)**

Mr. Leiker is a co-employee from Plaintiff's former work group and may have knowledge of Plaintiff's performance and ability to work on a team.

- 5. Vipin Mayar
One Independence Center
101 North Tryon Street
Charlotte, North Carolina
(May only be contacted through Defendant's counsel)**

Mr. Mayar was Plaintiff's indirect supervisor and may have knowledge of the decision to terminate Plaintiff and to disband the Customer Analysis Modeling & Research Department.

- 6. Rick McFarland
1219 S. Wendover Road
Charlotte, North Carolina 28211**

Mr. McFarland is a former employee of Bank of America and was a co-worker of Plaintiff. Mr. McFarland may have knowledge of Plaintiff's performance and relationships with co-workers.

7. **Kimela Heenan**
10860 Painted Tree Road
Charlotte, North Carolina 28226

Ms. Heenan was a recruiter for Bank of America and may have knowledge about the Market Manager position.

B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;

RESPONSE:

1. **Plaintiff's personnel file;**
2. **Bank of America's Sexual Harassment and Discrimination Policy;**
3. **Plaintiff's EEOC charge;**
4. **Written Performance Counseling regarding Plaintiff dated April 16, 2004;**
5. **Plaintiff's Performance Plan and Evaluation Form for 2003;**
6. **Plaintiff's employment offer letter dated July 22, 2002; and**
7. **Plaintiff's Applicant Acknowledgment Form dated June 27, 2002.**

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered;

RESPONSE: Assuming that it prevails in this action, Defendant intends to seek all reasonable attorneys' fees, expenses and costs incurred in the defense of this case to which Defendant is entitled under law.


D. For inspection and copying under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment;

RESPONSE: Defendant is self-insured for general liability coverage from August 1, 2004, through August 1, 2005. Defendant has an umbrella policy with National Union Fire that is in effect from August 1, 2004 through August 1, 2005, for coverage above the self-insured retention. The policy number is BE2978172. Punitive damages are not covered by the umbrella policy. The named insured is Bank of America Corporation and All Its Subsidiaries under the umbrella policy. The carrier reserves its right to dispute coverage under the policy. National Union is located at c/o American International Group, 70 Pine Street, New York, New York 10270. Defendant's custodian of the umbrella liability policy is Bradley Griffin, who is located at Bank of America Corporate Center, 100 N. Tryon St., Charlotte, NC 28255-0001.

Defendant has employment practices insurance with National Union Fire that is in effect from June 30, 2004 through June 30, 2005 for coverage above the self-insured retention. The policy number is BE2978172.

under the policy. National Union is located at c/o American International Group, 175 Water Street, New York, New York 10038. Defendant's custodian of the policy is Kimberly Glowish, who is located at Bank of America Corporate Center, 100 N. Tryon St., Charlotte, NC 28255-0001.

This 30th day November 2004.

By: 
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Attorney for Bank of America Corporation